

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 21-cr-20638

v.

Hon. Sean F. Cox

JOSEPH KOWALCZYK,

Defendant.

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**STIPULATION AND ORDER TO**  
**MODIFY CONDITIONS OF RELEASE**

On August 19, 2022, Defendant Joseph Kowalczyk was sentenced to two years' probation. (ECF No. 50.) On February 12, 2024, an Order with Petition for Issuance of Emergency Warrant for Violation of Probation was issued. (ECF No. 51.) Kowalczyk made his initial appearance on February 13, 2024, and was ordered detained following a detention hearing on February 15, 2024. (ECF Nos. 53, 57-59.) Due to his severe mental health condition, Kowalczyk was unable to continue with his probation violation proceedings without first being committed for mental health treatment. A stipulation and order modifying Kowalczyk's order of detention and conditions of probation to allow him

to be committed for treatment was issued on February 22, 2024. (ECF No. 61.) Kowalczyk received treatment at the Hurley Medical Center, and also received a competency evaluation from Dr. Daniel M. Mayman, who recommended that the Court find Kowalczyk competent. Kowalczyk then pleaded guilty to Violation No. 2 on March 30, 2024, and a sentencing hearing was scheduled for April 12, 2024. Kowalczyk's counsel, however, requested additional time to pursue a potential residential treatment placement for Kowalczyk and to allow Kowalczyk to participate in such treatment prior to sentencing; a stipulation and order to that effect was entered on April 10, 2024. (ECF No. 66.) While a suitable residential treatment placement did not develop, Kowalczyk was accepted into the Macomb County Mental Health Intensive Crisis Stabilization Program. On May 1, 2024, Kowalczyk was released on bond to allow him to participate in that program, and was ordered to submit to GPS monitoring and home incarceration, among other things. (ECF No. 68.) The parties returned for a status conference on May 29, 2024, and as discussed on the record, pursuant to the recommendation of his supervising officer, the parties now seek a modification of Kowalczyk's home incarceration condition.

By and through their respective counsel, **THE PARTIES STIPULATE** and agree that Kowalczyk will remain restricted to his residence every day, but may be granted a curfew permitting him to leave his residence for certain periods of time as directed by his supervising officer. The parties also stipulate and agree that this stipulation and any order resulting therefrom shall not otherwise affect any previously issued orders setting conditions of release or conditions of probation, but reserve the right to move the Court to amend such orders should there be a material change in Kowalczyk's status or mental state.

**IT IS SO STIPULATED.**

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Dated: May 29, 2024

**IT IS SO ORDERED.**

Dated: June 3, 2024

s/Sean F. Cox

Sean F. Cox

U. S. District Judge